

STATE OF MICHIGAN  
COURT OF APPEALS

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PEOPLE OF THE CITY OF FENTON,

Plaintiff-Appellant,

v

FRANK CIELICZKA,

Defendant-Appellee.

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UNPUBLISHED

December 28, 1999

No. 211861

Genesee Circuit Court

LC No. 98-062190 AR

Before: Saad, P.J., and McDonald and Gage, JJ.

MEMORANDUM.

Plaintiff appeals by leave granted the circuit court order reversing the decision of the district court and granting defendant's motion to dismiss an OUIL charge. We reverse.

Defendant was stopped by Fenton police for suspicion of driving under the influence of liquor, based on information supplied by an identified informant. The informant had called police, and reported that he followed defendant's vehicle for 47 miles, and observed it crossing the center line, weaving from lane to lane, driving through a red light, and exceeding the speed limit. The officer stopped defendant solely on the information supplied by the informant.

Defendant moved to suppress the evidence, asserting that there was insufficient indicia of reliability of the informant's observations and that the informant only observed civil infractions which did not support a stop. The district court denied the motions. On appeal, the circuit court reversed, and dismissed the charge.

A trial court's decision on a motion to suppress evidence is reviewed for clear error. *People v Chambers*, 195 Mich App 118; 489 NW2d 168 (1992). Where a police officer has a reasonable, articulable suspicion that a person has committed a crime, he may briefly stop that person for the purpose of investigation. *People v Estabrooks*, 175 Mich App 532; 438 NW2d 327 (1989). Whether reasonable cause for the stop of a motor vehicle is established by information provided by a citizen informant depends upon the reliability of that information. *Id.*

In determining whether information supplied by an informant carries enough indicia of reliability, the court must examine three factors: (1) the reliability of the informant, (2) the nature of the information given to the police, and (3) the reasonability of the suspicion in light of these factors. *People v Tooks*, 403 Mich 568, 577; 271 NW2d 503 (1978).

Even an anonymous tip may supply reasonable suspicion for an investigative stop where it carries sufficient indicia of reliability. *People v Faucett*, 442 Mich 153; 499 NW2d 764 (1993). The reasonableness of such a stop is reviewed in light of the totality of the circumstances. *Id.*

Here, an identified informant gave police detailed and verifiable information. The logical inference from the informant's observations supported a reasonable suspicion that defendant committed the criminal act of driving while intoxicated. *Estabrooks, supra*, 538. The circuit court erred in dismissing the charge.

Reversed and remanded for further proceedings consistent with this opinion. We do not retain jurisdiction.

/s/ Henry William Saad

/s/ Gary R. McDonald

/s/ Hilda R. Gage